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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,885	02/09/2004	Alexander Berger	MS307300.1/MSFTP606US	8812
27195 7590 02/26/2007 AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			EXAMINER DAYE, CHELCIE L	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 02/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/774,885

Applicant(s)

BERGER ET AL.

Examiner

Chelcie Daye

Art Unit

2161

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 05 February 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: \_\_\_\_\_.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_  
13. ☐ Other: \_\_\_\_\_

*APR 10 2007*  
*MAJ:z*  
*SP1 TC 2161*

Continuation of 11. does NOT place the application in condition for allowance because:

Applicant argues, Agrawal does not teach "a range component that determines the maximum and minimum values associated with each partition to determine independent partitions". Examiner respectfully disagrees. As stated in the office action, Agrawal discloses at columns 6-7, lines 60-67 and 1-17, respectively, wherein a data cube is partitioned into d-dimensional blocks. For each d-dimensional block the range-minimum or range-maximum value is determined for the index of the cell within each block. Then a range-maximum or range-minimum result is determined from the values of the cells within each block. Examiner notes, according to the Merriam-Webster Online Dictionary, the definition of range is the difference between the least and greatest values of a variable. Therefore, whether the result is a range-minimum result or a range-maximum result, within the range result there is at least a representation of a least value and a greater value. However, for further explanation, Agrawal further discusses the limitations of the range at column 9, lines 25-60; wherein a query input range (l:h), where l and h are the range lower and upper bounds, respectively. Therefore, the size of the range is thus given by  $r=h-l+1$ , as well as a process for finding the index of the maximum value in the range (l:h) is shown by a pseudo-code. As a result, the combination of Mittal in view of Agrawal are believed to fully disclose the argued limitation.

Applicant argues, Ballamkonda does not teach "a group component that utilizes the maximum and minimum range values to determine independent partitions or partition groups, wherein independent partitions or partition groups are executed concurrently with other partitions". Examiner respectfully disagrees. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Specifically, applicant's arguments that Ballamkonda does not disclose utilizing the maximum and minimum range values are unjust on the grounds that the combination of Mittal in view of Agrawal, and further in view of Ballamkonda, are used to disclose the features as argued. As such, the maximum and minimum values disclosed by the Agrawal reference is just to disclose the utilization of the maximum and minimum range values. Further, as stated in the action above, Ballamkonda discloses at column 10, lines 10-51; wherein partitioning that occurs between stages 2 and 3 are on grouping keys and can utilize range partitioning. The grouping keys use grouping identifiers, which uniquely identifies the grouping of partitions by a rollup operation. Grouping of the partitions between stages 2 and 3 represent the limitation of a group component and determining partition groups with the range partition. Also, a parallel evaluation of a rollup grouping occurs and a fact table along with other associated tables are scanned, joined, sorted, and eliminated so less data is forwarded. The parallel evaluation corresponds with the concurrent execution. Therefore, examiner believes the combination of Mittal in view of Agrawal, and further in view of Ballamkonda, to fully disclose the argued limitation.